



~~September 19, 2006 CPC~~  
~~October 17, 2006 CPC~~  
~~November 21, 2006 BS~~  
~~January 24, 2007 BS~~  
~~February 28, 2007 BS~~  
~~May 15, 2007 CPC~~  
June 19, 2007 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

06SN0339

Hull Street Associates, LLC  
and  
Michael Dzaman, Managing Member

Matoaca Magisterial District  
Grange Hall Elementary, Swift Creek Middle and Cosby High Schools Attendance Zones  
South line of Hull Street Road

REQUEST: Rezoning from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

Residential uses are proposed. A maximum of eight (8) dwelling units per acre is permitted in a Residential Townhouse (R-TH) District, yielding a maximum density of 127 dwelling units. The average actual lots recorded in a Residential Townhouse (R-TH) District, utilizing public water and sewer, is 4.7 units per acre, yielding approximately seventy-four (74) dwelling units. An exception is requested to permit parking within garages to be credited towards the minimum requirements for townhouse development. (Proffered Condition 12 and Textual Statement)

**(NOTE: IN ORDER FOR THE PLANNING COMMISSION TO CONSIDER THIS REQUEST AT THEIR MEETING, A \$500.00 DEFERRAL FEE MUST BE PAID PRIOR TO THE PUBLIC HEARING.)**

RECOMMENDATION

Recommend denial for the following reason:

While the proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for mixed use corridor use to include residential developments of various densities, the application fails to address transportation concerns relative to the provision of public roads, as discussed herein; Proffered Condition 13 is unenforceable and unclear; and Proffered Condition 4 is required by Ordinance.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.)

### PROFFERED CONDITIONS

The Owner (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the Property known as Chesterfield County Tax Identification Numbers 710668330100000, & 710668640900000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-TH is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force or effect.

1. Utilities. Public water and wastewater systems shall be used. (U)
2. Wastewater Treatment - Prior to the issuance of the first building permit for any tentative plat approved for the Property, the Owner shall make a one time payment to Chesterfield County in the amount of \$200.00 per acre (not to exceed an aggregate payment of \$3,180.00 based upon the total acreage in the Property) as a contribution toward the expansion of the Dry Creek Wastewater Pump Station. (U)
3. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Storm Water Management. Storm water management for water quality shall be accomplished through the use of on site Best Management Practices (such as ponds, extended detention, wet marshy bottoms, rain gardens, infiltration trenches, combinations and other Best Management Practices that can accomplish the pollutant removal required) designed to achieve a maximum run-off pollutant loading of .45 lbs per impervious acre per year of prosperous plus payment of the County's Pro Rata Fee of \$5,010 (which will be adjusted for inflation using the Engineering News Record's cost construction index) per impervious acre to use for the

regional storm water management program for the Swift Creek Reservoir Watershed. (EE)

5. Cash Proffer. For each dwelling unit developed, except Age Restricted Dwelling Units, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield for each dwelling unit for infrastructure improvements within the service district for the Property:
  - a. \$15,600 per dwelling unit if paid prior to July 1, 2007; or
  - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
  - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
  - d. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County.
  - e. For Age-Restricted Dwelling Units, as defined in the proffer on age-restriction, the applicant, sub-divider, or assignee(s) shall pay the amount approved by the Board of Supervisors, not to exceed \$10,269 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269 shall be prorated as set forth above. (B & M)
6. Age Restricted Housing. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as Age Restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. Any lots for age restricted dwelling units shall be grouped together on a particular portion of the Property and shall not be scattered about other residential units. At the time of recordation of a subdivision plat or the approval of any site plan,

the lots shall be noted as age restricted. Any site plan for age restricted units shall also not the restriction. (B & M)

7. Road Improvements. The Owner shall:

- a. In conjunction with the recordation of the initial subdivision plat or within sixty (60) days of approval of this request, whichever occurs first, 100 feet of right-of-way measured from the centerline of Hull Street Road (Route 360) immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- b. Direct vehicular access from the property to Route 360 shall be limited to one (1) public road. Direct vehicular access from the property to Hampton Park Drive shall be limited to one (1) public road. The exact location of these public roads shall be approved by the Transportation Department.
- c. The owner shall:
  1. construct an additional lane of pavement along Route 360 for the entire property frontage,
  2. construct additional pavement along Route 360 to provide a westbound left turn lane at the existing crossover immediately west of the property
  3. construct right and left turn lanes, based on Transportation Department standards, along Hampton Park Drive at the public road intersection, and
  4. dedicate, free and unrestricted to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for these improvements.
- d. Prior to any tentative subdivision plan approval, a phasing plan for the improvements in proffered condition 7c. shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things, construction of the improvements identified in proffered conditions 7.c.1 in conjunction with the initial development on the property.
- e. All roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT minimum pavement cross sectional standards.

8. Dedication of Right-of-Way. In conjunction with or prior to the recordation of the initial subdivision plat one hundred feet (100) feet of

right-of-way on the south side of Hull Street Road, measured from the centerline of that part of Hull Street Road immediately adjacent to the Property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

9. Phasing Plan for Transportation Improvements. Prior to any tentative subdivision plan approval a phasing plan for the improvements in Proffered Condition 7 above shall be submitted to and approved by the Department of Transportation. The phasing plan will indicate that the improvements in Proffered Condition 7.a. and Proffered Condition 7.b. will be completed on or before the time the connection to Route 360 is completed.
10. Public Roads. A public road or roads will be designed and built to VDOT standards and taken into the state system connecting Hampton Park Drive to Route 360. The road(s) will not provide a straight or direct connection through the community but will meander to discourage cut-through traffic. Private roads in the community, if any, will be designed and constructed with a pavement thickness and sub-grade to meet VDOT standards for the anticipated traffic volume. The Home Owners Association will collect and escrow a monthly fee for repair and maintenance of any private roads, such obligation will be recorded in the land records of Chesterfield County and stated clearly in materials distributed to potential home buyers.
11. Driveways. All driveways shall be paved with concrete or asphalt
12. Textual Statement. In conjunction with the approval of this request, the Textual Statement dated August 24, 2006 shall be approved.
13. In conjunction with the initial development of the Property, the Owner shall provide the following so long as Tax parcel No. 710-667-05-97-00000 remains zoned as an Agricultural District. Provided further, the following shall cease to be required upon the rezoning of Tax Parcel No. 710-667-05-97-00000 from Agricultural to any other Zoning District.
  - a. The Owner shall provide a fifty (50) foot natural vegetated buffer along the Property's eastern boundary line. The primary purpose of the buffer will be to screen development on the Property from the adjacent agriculturally zoned property. As such all mature trees and health vegetation shall be maintained. Deed, fallen, dying or diseased vegetation will be pruned or removed regularly. Invasive species, noxious weeds, weed trees, poisonous or dangerous plants and other related plant material will also be removed. The buffer will also be pruned and new growth may be selectively removed in order to promote healthy growth. Lots may encroach into this buffer, but a restrictive covenant will be recorded in the Common Area Maintenance Agreements

developed for the Property requiring any resident or homeowner to fully comply with this Proffered Condition.

- b. The following restrictive covenant will be recorded in the Common Area Maintenance Agreements developed for the Property: Any resident or homeowner in the Property shall prohibit the use of flood lighting on any lots adjacent to Tax Parcel No. 710-667-05-97-00000 that would cast pools of light onto any part of Tax Parcel No. 710-667-05-97-00000.
- c. The following restrictive covenant will be recorded in the Common Area Maintenance Agreements developed for the Property; Any resident or homeowner in the Property shall prohibit the use of outdoor loud speaker systems that can be heard from any existing structure on Tax Parcel No. 710-667-05-97-00000. (P)

### GENERAL INFORMATION

#### Location:

South line of Hull Street Road, west of Otterdale Road; and the north line of Hampton Park Drive. Tax IDs 710-668-3301 and 6409.

#### Existing Zoning:

A

#### Size:

15.9 acres

#### Existing Land Use:

Vacant

#### Adjacent Zoning and Land Use:

North and West – A with Conditional Use and A; Commercial, public/semi-public or single family residential  
East and South- R-9; Single family residential

## UTILITIES

### Public Water System:

There is an existing twenty-four (24) inch water line extending along a portion of Hull Street Road that terminates adjacent to Hampton Park Drive, approximately 5,200 feet east of this site. Conditions of zoning for the proposed Magnolia Green development require the extension of the public water system along with the necessary infrastructure, including a water tank and pump station. Conditions also include extension of the public water system in conjunction with the development of Hampton Park, along Hull Street Road, to a point approximately 930 feet east of this site. These conditions are tied to the number of lots developed for Magnolia Green and to the development of the last Phase (the commercial portion) of Hampton Park. South of this site, extending along Hampton Park Drive, is an existing twelve (12) inch water line. This line is approximately fifty (50) feet from the southern boundary of this site. Preliminary flow tests have been performed for the request site and the results indicated that a portion of this site may not be able to achieve minimum fire flows of 1000 gpm at 20 psi residual pressure when connected to the twelve (12) inch line in Hampton Park Drive. Further evaluation of this site will be necessary to determine if the site can be served from the twelve (12) inch line in Hampton Park Drive or if development will have to be served by extending the twenty-four (24) inch line along Hull Street Road. Use of public water is recommended by the Upper Swift Creek Plan. (Proffered Condition 1)

### Public Wastewater System:

The public wastewater system is available to serve this site. There is an existing eight (8) inch wastewater collector line extending along Hampton Manor Terrace in Hampton Park Section 23, which terminates approximately ninety (90) feet east of this site. There is an existing easement recorded with the subdivision plat extending from Hampton Manor Terrace to allow for extending the public sewer to this site. Use of the public wastewater system is recommended by the Upper Swift Creek Plan. (Proffered Condition 1)

The request site is within the Dry Creek Drainage Basin and is served by the Dry Creek Wastewater Pump Station. The existing capacity of this pump station is limited and the County has sought funding from the developers in the pump station service area to contribute toward future expansion of the pump station. The applicant has proffered to participate in the expansion of the Dry Creek Wastewater pump Station in the form of a cash proffer to the County in the amount of \$200.00 per acre. This amounts to \$3,180.00 for the 15.9 acres in the request site. Payment of this cash proffer shall be made prior to the issuance of the first building permit for development on the property. (Proffered Condition 2)

## ENVIRONMENTAL

### Drainage and Erosion:

The property drains to the southeast into adjacent Hampton Park and then via natural water courses to Dry Creek and via Dry Creek to Swift Creek Reservoir. There are no known on- or off-site drainage or erosion problems and none are anticipated after development.

The property is currently wooded and should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will ensure that adequate erosion measures are in place prior to any land disturbance. (Proffered Condition 3)

### Water Quality:

The Ordinance was recently amended to require the provision of on-site source control to address water quality issues. Proffered Condition 4 was offered prior to this Ordinance amendment. As such, Proffered Condition 4 is no longer necessary and should be withdrawn.

## PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program.

### Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six new stations, the Plan also recommends the expansion of five (5) existing stations. Based on seventy-four (74) dwelling units, this request will generate approximately eight (8) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 5)

The Clover Hill Fire Station, Company Number 7 and Manchester Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

### Schools:

Approximately thirty-nine (39) (Elementary: 17, Middle: 10, High: 12) students will be generated by this development.

Currently, this site lies in the Grange Hall Elementary School attendance zone: capacity - 851, enrollment – 925; Swift Creek Middle School zone: capacity - 1,027, enrollment - 1,455; and Cosby High School zone: capacity – 1,750, enrollment – 1,212. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007. This request will have an impact on the elementary and middle schools involved. There are currently four (4) trailers at Grange Hall Elementary and seventeen (17) trailers at Swift Creek Middle.

The new Winterpock Elementary School is scheduled to open this fall and the new Tomahawk Creek Middle School is scheduled to open in 2008. The new elementary school will provide relief for Grange Hall and Spring Run Elementary and Tomahawk Middle School will provide relief for schools in the area. This area of the county continues to experience growth and these schools, will provide much needed space. This case, combined with other tentative residential developments and zoning cases in the area, will continue to push these schools over capacity. This case could necessitate some form of relief in the future. The applicant has addressed the impact of the development on schools. (Proffered Condition 5)

#### Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

Development of the property noted in this case could affect the Clover Hill Library, a proposed new library in the vicinity of Beach and Winterpock roads, or a proposed new library in the vicinity of the Powhite Parkway and Genito Road. The need for the two (2) new libraries is identified in the Plan. The applicant has addressed the impact on library facilities. (Proffered Condition 5)

#### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

The applicant has offered measures to assist in addressing the impact of this proposed development on these parks and recreational facilities. (Proffered Condition 5)

## Transportation:

Based on townhouse trip rates, this request could generate approximately 800 average daily trips. This traffic would be distributed to Route 360, which had a 2003 traffic count of 20,451 vehicles per day.

The Transportation Department does not support this request because it would permit private roads to be developed in a residential-townhouse subdivision. Past experience with private roads in townhouse developments has shown that long-term road maintenance becomes a problem. Road maintenance is a costly activity and, in several instances, the entity responsible for maintenance of private roads has failed to maintain them. Ultimately, the residents of these townhouse developments have contacted the county asking it to repair these private roads. The county does not have funds available for the maintenance of these roads. The Virginia Department of Transportation (VDOT) maintains all public roads in the county. In order to ensure the long-term maintenance of the roads within this proposed development, the applicants should proffer that all roads within the development will be accepted into the state system by VDOT. The applicants are not willing to make this commitment; instead, Proffered Condition 7.e requires the roads to meet minimum pavement design standards. This proffered condition does not guarantee that the roads will be accepted by VDOT.

The Thoroughfare Plan identifies Route 360 and Hampton Park Drive as major arterials. Access to major arterials should be controlled. The applicants have proffered to limit vehicular access from the property to Route 360 and Hampton Park Drive to one (1) public road on each roadway. (Proffered Condition 7.b)

The Thoroughfare Plan recommends a right-of-way width of 120 to 200 feet for Route 360 in this location. The applicants have proffered to dedicate 100 feet of right-of-way, measured from the centerline of Route 360, in accordance with this Plan. (Proffered Condition 7.a)

The traffic impact of this development must be addressed. The applicants have proffered to: 1) construct an additional lane of pavement along Route 360, 2) construct a westbound left turn lane at the existing crossover to the west, 3) construct right and left turn lanes along Hampton Park Drive based on county standards, and 4) dedicate any additional right-of-way required for these improvements. (Proffered Condition 7.c)

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. The applicants have proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development. (Proffered Condition 4)

As stated earlier, without a commitment to ensure state maintenance of the roads within the proposed development, the Transportation Department cannot support this request.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	74*	1.00
Population Increase	201.28	2.72
Number of New Students		
Elementary	17.24	0.23
Middle	9.62	0.13
High	12.51	0.17
TOTAL	39.37	0.53
Net Cost for Schools	\$395,752	\$5,348
Net Cost for Parks	44,696	604
Net Cost for Libraries	25,826	349
Net Cost for Fire Stations	29,970	405
Average Net Cost for Roads	661,708	8,942
TOTAL NET COST	\$1,157,952	\$15,648

\*Based on an average actual density of 4.70 units per acre. The actual number of units developed and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculate the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicant has been further advised that \$10,269 per dwelling unit would defray the cost of capital facilities necessitated by development of the age-restricted portion of the development, as it will no have an increased impact on school facilities. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 5)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for mixed use corridor uses to include residential developments of various densities. The Plan is currently being revised. The draft Plan, as recommended by

Planning Department, is consistent with the aforementioned recommendation of the current Plan for this property.

#### Area Development Trends:

Area properties along the south line of Hull Street Road are developed as part of the Hampton Park Subdivision or as single family dwellings on acreage parcels. It is anticipated that a mix of residential and office uses will occur west of the Otterdale /Hull Street Roads intersection as a transition to commercial nodes located at major intersections along Hull Street Road, as suggested by the Plan.

#### Site Design:

Except for parking exceptions as noted herein, or unless specifically addressed by proffered conditions, development must conform to the requirements of the Ordinance for Residential Townhouse (R-TH) Districts.

#### Parking and Driveways:

The Ordinance requires the provision of two (2) off-street parking spaces for each dwelling unit. An exception is requested to permit parking within garages to be credited towards this minimum requirement (Textual Statement). While staff supports such exception since it reduces the amount of impervious area and therefore, the impact on water quality, the developer and future owners should be cautioned that it will not be possible in the future to convert garages into living space.

All driveways will be hard surfaced. (Proffered Condition 11)

#### Age Restriction:

Proffered Conditions 5.e and 6 provide for the option of limiting occupancy of some or all of the proposed dwelling units to “housing for older persons” as defined in the Virginia Fair Housing Law. While during the initial marketing of the project this restriction may be clear to prospective occupants, there is a risk that long-term, dwelling units may be sold or rented to individuals that do not meet this age-restriction. Given staff’s inability to pro-actively enforce this condition prior to the purchase and occupancy of dwelling units, staff recommends that these proffers not be accepted.

#### Buffers and Restrictive Covenants:

Proffered Condition 13 was submitted to address concerns of the adjacent property owner to the west. The proffer attempts to provide for a fifty (50) foot buffer along this western boundary and to record covenants restricting flood lighting and public address systems as they may affect this adjacent property. This proffer creates enforcement issues, contains typographical errors and is unacceptable, as written. Specifically, in reference to the buffer, the term “natural vegetated” is not defined; the buffer cannot provide “screening”

being a complete visual barrier as defined in the Ordinance; reference to “deed” should be “dead”; and the buffer is inclusive of setbacks, providing no usable yards for the adjacent townhouse units. Further, the tax identification number references throughout the proffer are incorrect.

In reference to the restrictive covenants, it should be noted that the County will only ensure the recordation of the covenants and will not be responsible for their enforcement. Once recorded, the covenants may be changed.

### CONCLUSIONS

As noted, the Commission considered this request and recommended denial on October 17, 2006. Subsequently, the applicant submitted proffered conditions to attempt to address transportation concerns, as well as concerns of adjacent property owners. The request currently before the Commission addresses all Transportation Department concerns, except for the provision of public roads in the project. The “Transportation Department” section of this analysis addresses in detail their concerns regarding private roads in a town house project.

With respect to the concerns of an adjacent property owner, Proffered Condition 13 has been submitted. The proffer addresses buffering, flood lighting, and outdoor speaker systems. As written, the proffer is unacceptable. Staff’s detailed concerns with respect to this proffer are outline in the “Buffers and Restrictive Covenants” section of this analysis.

While the proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for mixed use corridor uses to include residential developments of various densities, the application fails to address transportation concerns relative to provision of public roads, as discussed herein. Further, as discussed herein, proffered conditions relative to water quality and buffers require amendments.

It should be noted that proffered conditions provide for the ability to age restrict occupants within the development that may result in enforcement issues. (Proffered Conditions 5e. and 6)

Proffered Condition 4 addressing water quality is now an Ordinance requirement. Therefore, this proffer should be withdrawn. Proffered Condition 13 creates enforcement issues, contains typographical error and should not be accepted as written.

Given these considerations, denial of this request is recommended.

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### CASE HISTORY

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Planning Commission Meeting (9/19/06):

On their own motion, the Commission deferred this case to October 17, 2006.

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Staff (9/22/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than September 25, 2006, for consideration at the Commission's October 17, 2006, public hearing.

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Staff (9/25/06 and 10/6/06):

Revised proffered conditions were submitted.

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Planning Commission Meeting (10/17/06):

The applicant did not accept the recommendation. There was opposition present.

Concerns were expressed relative to the lack of buffers and architectural standards. Concerns were also expressed relative to the lack of adequate roads to support area growth.

Messrs. Bass and Gulley noted that the transportation concerns had not been addressed. Mr. Litton expressed concerns that the application failed to address minimum house size and architectural standards.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission recommended denial of this request.

AYES: Messrs. Wilson, Gecker, Bass, Gulley and Litton.

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Board of Supervisors' Meeting (11/21/06):

At the request of the applicant, the Board deferred this case to their January 24, 2007, public hearing.

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Staff (11/22/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than November 29, 2006, for consideration at the Board's January public hearing. The applicant was also advised that a \$250 deferral fee was due.

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Applicant (12/18/06):

The applicant paid the deferral fee.

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Applicant (1/16/07):

Revised proffers were submitted.

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Board of Supervisors' Meeting (1/24/07):

Because of the amendments to the proffers, staff recommended that this case be remanded to the Planning Commission.

Mrs. Humphrey agreed to defer the case on her own motion, but indicated an intent to eventually remand the case to the Commission to allow consideration of the amended proffers.

On their own motion, the Board deferred this case to their February 28, 2007, public hearing.

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Staff (1/25/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than January 30, 2007, for consideration at the Board's February public hearing.

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Staff (2/5/07):

To date, no new information has been submitted.

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Applicant (2/9/07 and 2/20/07):

New proffered conditions were submitted.

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Board of Supervisors' Meeting (2/28/07):

On their own motion, the Board of Supervisors' remanded this case to the Planning Commission.

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Staff (3/1/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than March 12, 2007, for consideration as the Commission's May 15, 2007, public hearing.

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Staff (4/23/07):

To date, no new information has been submitted.

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Planning Commission Meeting (5/15/07):

At the request of the applicant, the Commission deferred this case to their June 19, 2007, meeting.

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Staff (5/16/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 22, 2007, for consideration at the Commission's June 19, 2007, public hearing. In addition, the applicant was advised that a \$500.00 deferral fee must be paid prior to the Commission's public hearing.

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Staff (5/23/07):

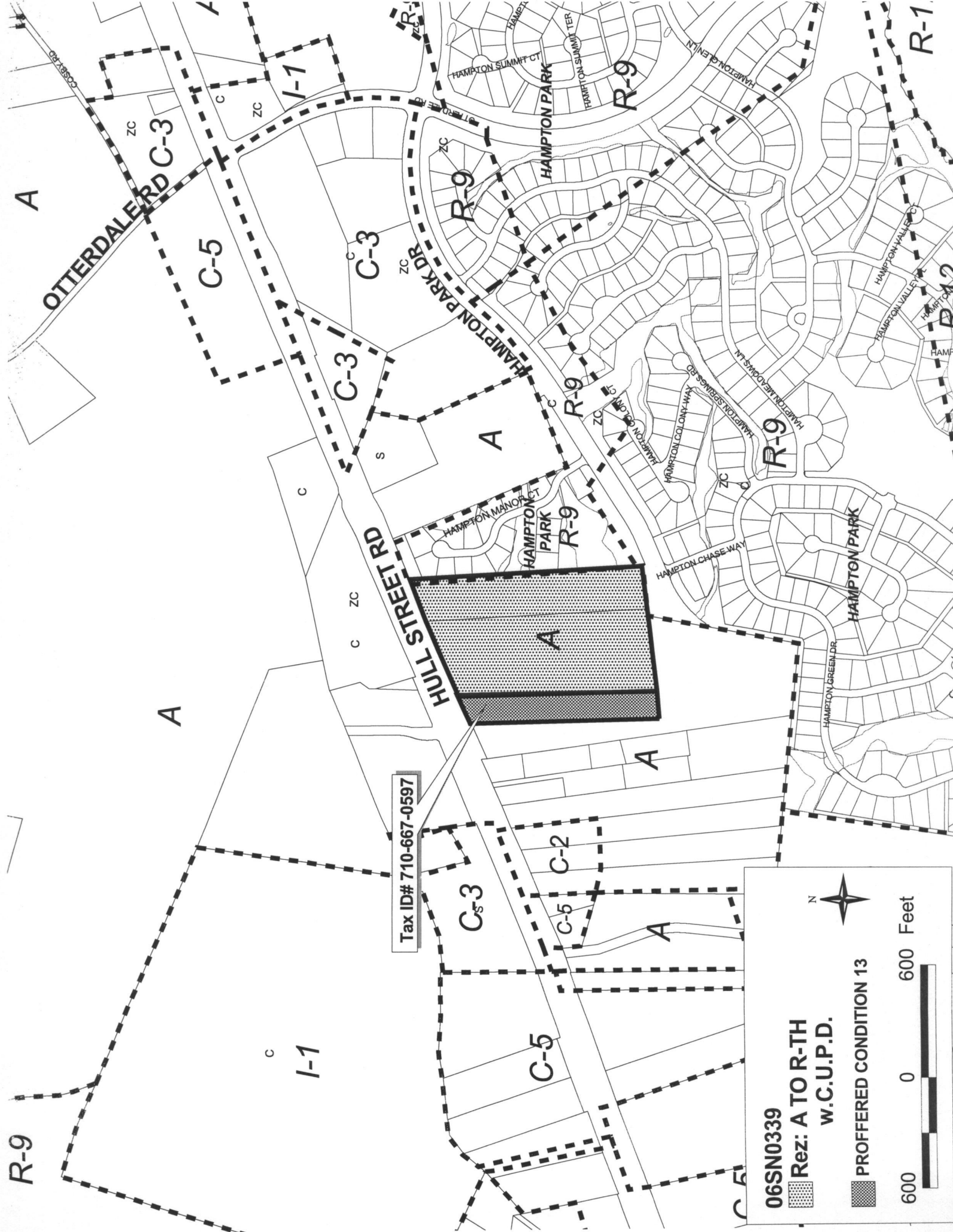
To date, no new information has been submitted, nor has the deferral fee been paid.

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**Hull Street Road, LLC**  
**Textural Statement: Case 06SN0339**  
**August 24, 2006**

In satisfaction of the Ordinance requirement for the provision two (2) off-street parking spaces for each dwelling unit, a one-car garage shall quality as one off-street parking space and a two-car garage shall qualify as two (2) off-street parking spaces.

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Tax ID# 710-667-0597

06SN0339

Rez: A TO R-TH  
W.C.U.P.D.

PROFFERED CONDITION 13

